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# IN THE HIGH COURT OF CHHATTISGARH, JUDICATURE AT BILASPUR

Writ Petition No. 322 /2006 Single Bench

**Petitioner** :: Smt. Kalawati Lama, Wife of Shri B.B.Lama, Age 59 years, Public Health Tutor, Posted at General Nursing Training Centre, Bilaspur, Chhattisgarh.

***Versus***

**Respondents** ::

1. State of Chhattisgarh, through Principal Secretary, Public Health & Family Welfare Department, Government of Chhattisgarh, Mantralaya, D. K. S. Bhawan, Raipur (Chhattisgarh)
2. Director, Health Services, Government of Chhattisgarh, Mantralaya, D.K.S.Bhawan, Raipur, Chhattisgarh.
3. Dean, Chhattisgarh Ayurvigyan Sansthan, Bilaspur.
4. Superintendent, Chhattisgarh Hospital (CIMS), Bilaspur.

P.R. No. 33 19/1/06
Present Anupam Dubey
dated 19/1/06

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**WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA**

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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# आदेश पत्रक

मामला क्रमांक WP 322/06 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | 28-2-2006<br>Shri Anupam Dubey, counsel for the petitioner.<br>Shri A.S. Kachhawaha, Dy. Govt. Advocate for the State.<br>Heard.<br>Learned counsel for the petitioner submits that initially the petitioner was appointed as Woman Health Visitor and thereafter she was promoted to the post of Public Health Tutor vide order dated 8-2-1995 (Annexure-P/1). He further submits that presently the petitioner is working as a Public Health Tutor and posted at General Nursing Training Centre, CIMS, Bilaspur. Learned counsel submits that the post of Public Health Tutor comes under the definition of Teacher. He also submits that vide notice dated 22-11-2005 (Annexure-P/2) the Superintendent, CIMS, Bilaspur has informed the petitioner that as per the date of birth 4-2-1946 recorded in the service book of the petitioner, she will be retired on 28-2-2006 i.e. after completion of age of 60 years. Learned counsel submits that after receiving notice dated 22-11-2005 the petitioner submitted representation before the Director, Health Services, Chhattisgarh, Raipur with a request to grant benefit of age of superannuation up to 62 years in view of circular dated 22-5-2003 (Annexure-P/3) issued by the Government. It is also pointed out that the authorities are extending the said benefit to the other similarly situated persons.<br>Learned counsel appearing for the State is not in a position to dispute the aforesaid facts. | |

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

26

# आदेश पत्रक

मामला क्रमांक WP 322/06 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित —2— | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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| | Having considered the facts and circumstances of the case, material on record, in view of the fact that the post of Public Health Tutor comes under the definition of Teacher and also the fact that the authorities are extending the same benefits to the other similarly situated persons, the notice dated 22-11-2005 (Annexure-P/2) is hereby quashed. The petitioner shall remain continue in service up to the age of 62 years at par with the other similarly situated persons.<br>In the result the petition is allowed. Consequently, M.(W.).P. No. 266/2006 also stands disposed of.<br>Certified copy as per rules.<br>Learned counsel for both the parties seek permission to communicate the order.<br>Learned counsel for the parties may communicate the order.<br>Sd/-<br>Fakhruddin<br>Judge | |
| Gowri | | |

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